IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4818 of 2007()

CRIME NO.206/06 OF CHENGAMANAD POLICE STATION NOW PENDING AS CRIME BRANCH CID, CRIME NO.131/CR2/S2/2006, ERNAKULAM

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PETITIONERS/ACCUSED

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1. N.UDAYAKUMAR, S/O. NEELAKANDAN,
   VALLATHU VEEDU, INCHACAD, KAKKAKUNNU P.O.,
   SOORANADU SOUTH, KUNNATHOOR, KOLLAM DISTRICT.

2. M.ABDUL KALAM, S/O. N.MUHAMMED
   ABDUL KHADER, CHAVETTY KONATH VEEDU,
   PANGODE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUPERINTENDENT OF POLICE, CRIME BRANCH CID,
KALOOR, ERNAKULAM, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4818 of 2007

Dated this the 13th day of August 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 2 and 3 and they face allegations inter alia under Section 468 I.P.C. The crux of the allegations is that the passport of the first accused was forged by the petitioners in collusion with the first accused to make it appear that he had gone his place of employment abroad and returned. This, in turn, was done by them to make it appear that the visa had been lawfully obtained by the first accused. The crime has been registered. Investigation is in progress. Initially the crime was registered only against the first accused. Subsequently, second and third accused, that is the petitioners herein have been brought on the array of accused.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They have no contumacious role whatsoever in the alleged crime committed by the first accused. In these circumstances, the petitioners may be granted anticipatory bail, it is submitted.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that a close

interrogation of the petitioners is absolutely essential to ascertain the truth. Granting anticipatory bail to the petitioners would hamper the smooth course of the investigation, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. At this stage, there are indications pointing to the culpability of the petitioners. The interrogation of the petitioners is essential for a proper investigation. Permitting the petitioners to be armed with an order of anticipatory bail at this stage would hamper the smooth course of the investigation, I am satisfied. This is a fit case where the petitioners must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioners surrender before the investigating officer or the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007